

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

TERRIE CONNOLLY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

JURY TRIAL DEMANDED

CIVIL ACTION

FILE NO.: _____

COMPLAINT

COMES NOW Terry Connolly, Plaintiff in the above-styled action, and makes and files this complaint against defendant United States as follows:

PARTIES AND JURISDICTION

1.

This is an action for money damages that presents a Federal question under 28 U.S.C. § 1331 in which plaintiff seeks relief pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. This court has original jurisdiction.

2.

Plaintiff Terrie Connolly is a citizen of the State of Tennessee and resides in Roane County, Tennessee.

3.

Defendant, The United States of America, and its political subdivisions The United States Army Corps of Engineers (hereinafter, “Army Corps of Engineers”) was legally organized created and established under the law therof. Accordingly, The Army Corps of Engineers may be sued pursuant to The Federal Tort Claims Act, 28 U.S.C. § 2671 et seq.

4.

Timely notice of this claim has been given to The Army Corps of Engineers which has acknowledged receipt of the notice. However, six months have elapsed, and The Army Corps of Engineers has neither acknowledged nor denied liability.

5.

All conditions precedent to the bringing of this action have been performed, waived, or excused.

FACTUAL ALLEGATIONS

6.

On or about September 21st, 2019, Plaintiff was visiting Red Top Mountain State Park in Bartow County, Georgia, during lawful hours and was caused to fall two feet into a ditch due to, inter alia, improper lighting, a lack of warnings, a lack of protective guardrails, and the negligent construction, maintenance, inspection,

and repair by The United States Army Corps of Engineers at Red Top Mountain State Park.

7.

The United States Army Corps of Engineers maintained and was responsible for this area of Red Top Mountain State Park. The United States Army Corps of Engineers actions and omissions in constructing, inspecting, maintaining, and repairing this area of the park were negligent.

8.

As a result of the fall, Plaintiff sustained severe, painful, and permanent personal injuries. Plaintiff's injuries have necessitated extensive medical treatment and expenses and have resulted in disability.

COUNT 1

NEGLIGENCE

9.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 8 above as if fully restated.

10.

Defendant The United States Army Corps of Engineers owed a duty to those visiting the park to exercise reasonable care in inspecting and maintaining the same.

11.

Defendant The United States Army Corps of Engineers was negligent in inspecting and maintaining the public areas, thoroughfares and parking areas at Red Top Mountain State Park.

12.

Defendant The United States Army Corps of Engineers did not exercise reasonable care in its inspection and maintenance of the Park known as Red Top Mountain State Park by, *inter alia*:

- a) Failing to properly inspect the area of park surrounding the parking and lodging areas of the park;
- b) Failing to ensure that adequate lighting was provided surrounding the parking and lodging areas of the park;
- c) Failing to ensure proper safety measures were provided surrounding the parking and lodging areas of the park;
- d) Failing to warn park visitors of hazards around the parking and lodging areas; and
- e) Failing to make the parking lot and lodging areas safe for park visitors.

13.

The negligence of defendant The United States Army Corps of Engineers was a proximate cause of plaintiff's injuries.

WHEREFORE, Plaintiff prays that he have a trial on all issues and judgment against Defendants as follows:

- (a) That Plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;

- (b) That Plaintiff recover for mental and physical pain and suffering and emotional distress as may be determined by the enlightened conscience of the jury;
- (c) That Plaintiff recover such other and further relief as is just and proper;
- (d) That all issues be tried before a jury.

This 2nd day of June, 2022.

BENNETT LAW GROUP

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